



Office of the Attorney General

State of Texas

November 15, 1996

DAN MORALES
ATTORNEY GENERAL

Ms. Tracy B. Calabrese
Assistant City Attorney
P.O. Box 1562
Houston, Texas 77251-1562

OR96-2127

Dear Ms. Calabrese:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101760.

The Houston Police Department received a request for all records concerning a certain arrest and investigation. You state that you will release the public information portion of the offense report. You claim, however, that the remaining information is excepted from required public disclosure by sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.101 excepts from required public disclosure information deemed confidential by law, either constitutional, statutory, or by judicial decision. Where a child is the victim of alleged or suspected abuse or neglect, section 261.201(a) of the Family Code may be applicable. Section 261.201(a) provides:

The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

- (1) a report of alleged or suspected abuse or neglect [of a child] made under this chapter and the identity of the person making the report; and
- (2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

We conclude that the information submitted to this office is related to an incident of alleged child abuse or neglect, and is a record developed in an investigation under chapter 261 of the Family Code. Because you have not cited any specific rule that the city has adopted with regard to the release of this type of information, we must assume that no such regulation exists. Thus, the requested records are confidential pursuant to section 261.201 of the Family Code. *See* Fam. Code § 261.201(a). Accordingly, the city must withhold the requested records.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you questions about this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 101760

Enclosures: Submitted documents

cc: Mr. Rusty Hardin
Rusty Hardin & Associates
1201 Louisiana, Suite 3300
Houston, Texas 77002-5609
(w/o enclosures)

¹Because we conclude that you must withhold the requested records under the Family Code, we need not address the other exceptions that you claim